

#851

AGREEMENT

Made this 20th day of July 2001, by and between Bhuller's Corporation, t/a JJ Mutts, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "A" license for premises, 643 Pennsylvania Ave. SE, ABC Case No. 851-01/064P, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "A" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner; and,

WHEREAS, the strict enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant hereby certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax;

WHEREAS, Applicant declares that ending the sale of single containers of beer of 40 or fewer ounces (which Applicant declares make up approximately 40% of the Applicant's sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

KPJ
ASB

NOW, THEREFORE, the parties agree as follows:

KPJ
ASB

^{attempt to}
Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:

- a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
- b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,

- c. asking loiters to move on whenever they are observed outside the establishment; and,
 - d. calling the MPD to remove the loiters if they refuse Applicant's request to move on; and,
 - e. keeping a written record of dates and times when the MPD is called for assistance; and,
 - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts any other party to install an outdoor payphone on or adjacent to the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis.
 - b. sweeping the outside of the establishment on a daily basis.
 3. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
 4. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") only in clear or translucent plastic bags.
 5. In consideration of, and reliance upon, the commitments reflected in paragraph 1-4, the ANC hereby withdraws its opposition to the applicant's pending license application.
 6. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: Amarjit S. Bhullar

By: Kenan Patrick Jarboe

AMARJIT S. BHULLAR
Print Name

Kenan Patrick Jarboe
Chair, ANC 6B

OWNER
Title

AGREEMENT

JUL 9 10 48 AM '97

Made this 8th day of July 1997, by and between Malstate, Inc., t/a JJ Mutts Wine & Spirits, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC),
RECEIVED
ALCOHOLIC BEVERAGE
CONTROL DIVISION

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "A " license for premises, 643 Pennsylvania Ave. SE, ABC Application #851, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "A " Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner; and,

WHEREAS, the strict enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant hereby certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax;

WHEREAS, Applicant declares that ending the sale of single containers of beer of 40 or fewer ounces (which Applicant declares make up approximately 24% of the Applicant's sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
 - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
 - c. asking loiters to move on whenever they are observed outside the establishment; and,
 - d. calling the MPD to remove the loiters if they refuse Applicant's request to move on; and,
 - e. keeping a written record of dates and times when the MPD is called for assistance; and,
 - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts any other party to install an outdoor payphone on or adjacent to the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis.
 - b. sweeping the outside of the establishment on a daily basis.
3. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
4. In consideration of, and reliance upon, the commitments reflected in paragraph 1-3, the ANC hereby withdraws its protest of ~~will not oppose the applicant's pending license application.~~
5. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: 

By: 

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
 - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
 - c. asking loiters to move on whenever they are observed outside the establishment; and,
 - d. calling the MPD to remove the loiters if they refuse Applicant's request to move on; and,
 - e. keeping a written record of dates and times when the MPD is called for assistance; and,
 - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts any other party to install an outdoor payphone on or adjacent to the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis.
 - b. sweeping the outside of the establishment on a daily basis.
3. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
4. In consideration of, and reliance upon, the commitments reflected in paragraph 1-3, the ANC hereby ~~withdraws its opposition to~~ will not oppose the applicant's pending license application. EW LS
5. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.


IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: 

By: 


ANC 6B

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

Bhullers Corp.

t/a JJ Mutt Wine & Spirits

Application for a Retailer's

Class A - renewal

at premises

643 Pennsylvania Avenue, SE

Washington, DC 20003

Case No. 851-01/064P

**Kenan P. Jarboe, Chairperson, Advisory Neighborhood Commission 6B (ANC6B),
Protestant**

Simon M. Osnos, Esquire, on behalf of the Applicant

**BEFORE: RODERIC L. WOODSON, ESQUIRE, CHAIR
VERA M. ABBOTT, MEMBER
ELLEN OPPER-WEINER, ESQUIRE, MEMBER
CHARLES A. BURGER, MEMBER
JUDY A. MOY, MEMBER
AUDREY E. THOMPSON, MEMBER
LAURIE COLLINS, MEMBER**

ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT

This matter, having been protested, was initially scheduled for a roll call hearing on May 30, 2001, in accordance with D.C. Code Section 25-115(c)(5) (1999 Supp.), providing for the protestants to be heard. The Board received a timely filed protest from Kenan P. Jarboe, Chair, ANC 6B, dated May 15, 2001. The renewal application was denied and subsequently reinstated. The roll call hearing was therefore rescheduled to July 25, 2001.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement, dated July 20, 2001, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

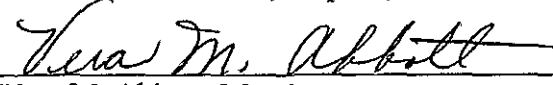
Bhullers Corp.
t/a JJ Mutt Wine & Spirits
Page two

Accordingly, it is this 8th day of August, 2001, ORDERED that:

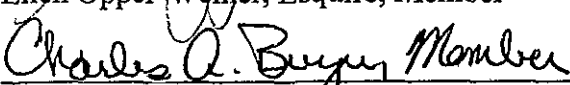
1. The opposition of Kenan P. Jarboe, Chair, ANC 6B, be, and the same hereby is **WITHDRAWN**;
2. The application of Bhuellers Corp, t/a JJ Mutt Wine & Spirits, for a retailer's class A license (renewal) at premises 643 Pennsylvania Avenue, SE, Washington, DC, 20003, be, and the same hereby, is **GRANTED**; and
3. The above-referenced agreement between the parties, be, and the same hereby is **INCORPORATED** and part of this **ORDER**; and;
4. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD

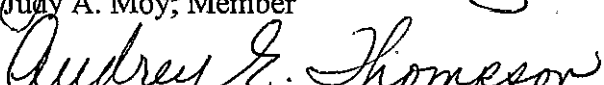

Roderic L. Woodson, Esquire, Chair


Vera M. Abbott, Member


Ellen Oppenheimer, Esquire, Member


Charles A. Burger, Member


Judy A. Moy, Member


Audrey E. Thompson, Member


Laurie Collins, Member